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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 DAVID LEVOYD REED,

10 Plaintiff(s),

11 v.

12 JAMES DZURENDA, et al.,

13 Defendant(s).

Case No.: 2:19-cv-00172-APG-NJK

ORDER

(Docket Nos. 12, 13)

14 Pending before the Court are Plaintiff's motion for leave to file a motion for limited
15 discovery for purpose of early mediation and motion for extension of motion to compel limited
16 discovery.¹ Docket Nos. 12, 13. The Court has considered Plaintiff's motions, Defendants'
17 responses, Plaintiff's reply, and Plaintiff's notice. Docket Nos. 12, 13, 17, 18, 19, 20. The
18 motions are properly resolved without a hearing. *See* Local Rule 78-1.

19 Plaintiff moves the Court to order Defendants to give Plaintiff a "roster of the Nevada
20 [Department] of Corrections transportation correctional officers for the dates of December 6,
21 2017, and December 7, 2017" and "[p]ictures of [the] employees [on the roster]" to "help identify
22 Defendant 'C/O Nelson' for proper service[.]" Docket No. 13 at 2. Defendants have since
23 identified that defendant as Ted Nelson and have filed a notice of acceptance of service on his
24 behalf for the purpose of settlement discussions. Docket No. 18 at 3; *see also* Docket No. 16.

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27 ¹ Both motions fail to contain points and authorities and Plaintiff fails, in his motion to
28 compel, to certify that a proper meet and confer occurred. Nonetheless, the Court considers the
motions on their merits as requests for discovery to identify a named defendant.

1 In reply, Plaintiff asks the Court, for the first time, to order Defendants to provide Plaintiff
2 the above-mentioned roster and pictures to help “reveal the true identity of Defendant John Doe
3 ‘K.’” Docket No. 19 at 3. This argument is procedurally improper because “[a] party is generally
4 prohibited from raising new issues for the first time in its reply,” as the opposing party is not
5 afforded an opportunity to respond. *Santos v. Baca*, 2015 WL 6956643, at *3 (D. Nev. Nov. 10,
6 2015) (citations omitted).

7 Accordingly, as the issue raised by Plaintiff no longer exists and discovery into that
8 defendant’s identity is no longer necessary, the Court **DENIES** Plaintiff’s motions as moot.
9 Docket Nos. 12, 13.

10 IT IS SO ORDERED.

11 Dated: February 6, 2020

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14 Nancy J. Koppe
15 United States Magistrate Judge
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